



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, January 14, 2004

2003-0903 - Application on an 8,462 square- foot site for a Variance from Sunnyvale Municipal Code section 19.34.030 to allow a 14-foot front yard setback where 20 feet is required. The property is located at **777 The Dalles Avenue** in an R-1 (Low-Density Residential) Zoning District. (APN: 323-15-038) DO

In attendance: Michal Frostig, Applicant; Trudi Ryan, Administrative Hearing Officer; Diana O'Dell, Project Planner; Gerri Caruso, Principal Planner; and, Gloria Barron, Recording Secretary.

Ms. Trudi Ryan, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Ryan announced the subject application.

Diana O'Dell, Project Planner, presented the staff report. Staff summarized the subject application and noted that the specific reason for the garage addition is that there is a new requirement that any expansion of the gross floor area that exceeds 1800 square feet in area requires the site to meet the current parking standards of two covered parking spaces. Staff was not able to make the required Findings and recommended denial of the Variance. Staff added that a letter of support was received from the neighbor to the right and also spoke to the neighbor to the left who did not express significant concerns about the addition.

Ms. Ryan asked staff for clarification on the two covered spaces and asked if a garage and carport would qualify as covered spaces. Staff responded yes. Ms. Ryan then asked staff if having a carport as one of the covered spaces was explored. Staff responded that it was not explored. Ms. Ryan asked staff if the garage would have the minimum dimensions. Staff responded that if the garage were combined with the laundry room it would meet the minimum dimension and without the laundry room it would fall below the minimum dimension of 400 square feet.

Ms. Ryan opened the public hearing.

Michal Frostig, Applicant, stated that she would like to extend the kitchen. She also explained that she has been researching converting the garage back into a two car garage but due to a slab of thick concrete that was placed by the previous owner it would be a costly demolition to convert back. She stated that she would be willing to have the minimum requirements. Ms. Ryan reviewed the minimum requirements of a garage and asked Ms. Frostig if she would mind having a garage that was 17 feet wide. Ms. Frostig stated that she would prefer 18 feet. Ms. Frostig stated that there would not be any privacy impact to the neighbors and both neighbors agree with the Variance.

Ms. Ryan closed the public hearing.

Ms. Ryan took the application under advisement until 5 o'clock on Tuesday, January 20, 2004 to explore with staff the dimensions of the garage that would lessen the impact and other possibilities that would qualify the site as a unique circumstance.

The meeting was adjourned at 2:18 p.m.

**January 20, 2004
Addendum 2003-0903**

On January 20, 2004 the Planning Officer and Project Planner visited the subject site and the neighborhood. The purpose of the site visit was to get a better understanding of potential visual impacts of the proposed reduced front yard setback. After the field visit the Planning Officer requested additional detail of the front yard setback requirements in the subject zoning district. Staff indicated that in the R-1 zoning district a minimum of 20 feet is required for a single lot development (including additions) and that a multi-lot development may observe a minimum of 15 feet and an average of 20 feet. Although all of the properties on this block of The Dalles were developed at the same time, it appears that the minimum setback is about 20 feet and the average setback is about 20.

After consideration, the Planning Officer rendered the following decision:
Approve the Variance for front yard setback with modifications. Instead of the requested setback of 14 feet, a setback of 16 feet is approved which would render an interior garage dimension of approximately 370 s.f. (20 ft. x 18.5 ft). This dimension is consistent with the requirement for a minimum of 400 s.f. garage due to the separate room devoted to laundry, water heater and furnace.

Variance Findings

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

The garage for this house was previously legally converted into a one-car garage with an adjacent laundry area. The floor for the enclosed area was constructed with a very thick (20-inch) concrete foundation that would be very costly to convert back to garage. In addition, the subject site is located across the street from a public park resulting in more vehicles parking on-street placing making on-site parking more important in the neighborhood.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The reduction in front yard setback will not create a privacy impact for the surrounding neighbors or create a significantly detrimental visual impact on the streetscape. Staff is able to make this finding. The provision of two full off-street parking spaces meets the minimum parking requirement for the site, and allows the property owner to make improvements to the property.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The intent of the front-yard setback ordinance is to create a compatible neighborhood setback with adequate distance between the buildings and the streets. Sunnyvale Municipal Code states that subdivisions in the R-1, R-0 and R-2 Zoning District may have varying front yard setbacks that range from 15 ft. to 20 ft. The Variance to allow an expansion of the garage area into the average 20-foot front yard setback would still be within the 15-foot minimum setback for subdivisions. This meets the intended goal of creating a variety of front yard setbacks, while allowing the property owner to create a conforming parking situation. As conditioned, the minimum garage area will be available for parking of vehicles as no mechanical equipment or large appliances may be located in the garage.

Conditions of Approval

The Planning Officer adopted the Conditions of Approval provided by staff with the following modifications:

Modify condition 2: *This Variance approval is for a front yard setback of 16 ft. where 20 ft. is required.*

Add Condition 6: *No mechanical equipment (e.g water heater, furnace) or large appliances (e.g. washers, dryers freezers) may be located in the garage.*

Minutes approved by:

Trudi Ryan, Planning Officer